




FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: The Commissioners
Staff Director
Deputy Staff Director
General Counsel

FROM: Office of the Commission Secretary 

DATE: August 26, 2002

SUBJECT: Statement Of Reasons for MUR 5195

Attached is a copy of the Statement Of Reasons for MUR 5195
signed by Chairman David M. Mason, Vice Chairman Karl J. Sandstrom,
Commissioner Danny L. McDonald, Commissioner Bradley A. Smith,
and Commissioner Scott E. Thomas.

This was received in the Commission Secretary's Office on
Monday, August 26, 2002 at 10:50 a.m.

cc: Vincent J. Convery, Jr.
OGC Docket (5)
Information Division
Press Office
Public Disclosure

Attachment

2002 AUG 26 10:50 AM



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In re State Representative Mike Haridopolos, *et al.*

MUR 5195

STATEMENT OF REASONS

On October 29, 2001, the Office of General Counsel recommended that the Commission, pursuant to the Enforcement Priority System, take no action in MUR 5195 because the matter was less significant relative to other matters pending before the Commission. In lieu of approving this recommendation, the Commission, on November 6, 2001, voted unanimously¹ to find no reason to believe that any of the named respondents violated any provision of the Federal Election Campaign Act as amended ("FECA") as a result of the activities described in the complaint.

Complaint & Response

Complainant alleged that Florida State Representative Mike Haridopolos used excess campaign funds from a State House race to open a federal congressional bank account. The Complaint attached a copy of Respondent's state Campaign Treasurer's Report of itemized expenditures, which indicated that, on January 5, 2001, a \$5,000 expenditure was made, the purpose of which was to "Open Congressional Bank Account" [sic].

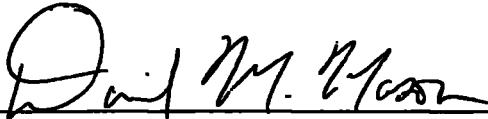
Rep. Haridopolos's response stated that the reported purpose of the expenditure at issue was in error and should have been described as "Open office account," which an amended report (attached) indicated. Rep. Haridopolos also included a copy of a check used for a disbursement payable to the "Mike Haridopolos/Rep Account"; a copy of a bank account agreement signed shortly after the check was issued indicating the account owner as "Representative Mike Haridopolos Account"; and a bank statement for "Representative Mike Haridopolos Office Account" indicating a \$5,000 deposit shortly after the check was issued and endorsed "for deposit only" to this account and on the same date indicated in the amended state report.

¹ Commissioner Wold voted with the unanimous Commission but is no longer a Member of the Commission.

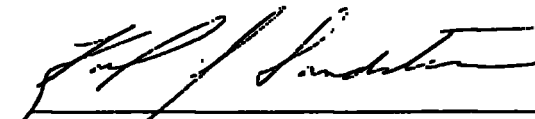
Analysis

Transfers from a candidate's non-federal election account (which could possibly contain funds from prohibited sources under the FECA) to a federal authorized committee account are prohibited. 11 CFR 110.3(d). In this matter, the documents attached to the Response demonstrate that Respondent made a reporting error, which has now been corrected, on his state Campaign Treasurer's Report. Representative Haridopolos opened an apparent state officeholder's expense account and not, as possibly intimated on his state report, an account containing funds for the purpose of influencing a federal election. This error led the Complainant to reasonably but erroneously believe that a transfer had been made from a non-federal election account to an authorized committee account. Consequently, we have no reason to believe that any of the named respondents violated any provision of the FECA as a result of the activities described in the complaint.

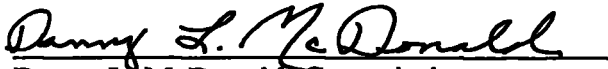
August 27, 2002



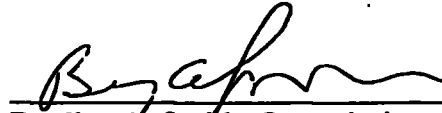
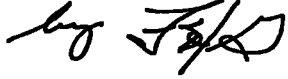
David M. Mason
Chairman



Karl J. Sandstrom
Vice Chairman



Danny L. McDonald, Commissioner
Commissioner



Bradley A. Smith, Commissioner
Commissioner



Scott E. Thomas, Commissioner
Commissioner